



STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
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ICSD 07.0070

May 23, 2007

FILED ELECTRONICALLY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC

Dear Ms. Dortch:

Subject: Comments on the Report and Order and Further Notice of Proposed Rulemaking adopted April 25, 2007 for WT Docket No. 06-150, CC Docket No. 94-102, WT Docket No. 01-309, WT Docket 03-264, WT Docket No. 06-169, PS Docket No. 06-229 and WT Docket No. 96-86 "Service Rules for the 698-746, 747-762 and 777-792 Bands"; "In the Matter of Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010"

The State of Hawaii Department of Accounting and General Services (DAGS), in response to the Commission's Report and Order and Further Notice of Proposed Rule Making ("Further Notice") as noted above and published in FCC 07-072, files these comments regarding rules governing wireless licenses in the 698-806 MHz Band ("700 MHz Band):

1. The Commission must ensure that any changes to the rules do not negatively impact the use or future of the allocations in the 700 MHz band for public safety narrowband operation.
2. The DAGS agrees with the Commission's inclination to reject the various proposals outlined in paragraphs 194 to 206 and 227, "(ii) Proposals Based on Modified 700 MHz Guard Bands", including the various proposals of the Broadband Optimization Plan. The DAGS strongly objects to any proposal that creates a guard band of any type in the 805 MHz to 806 MHz region. We believe that the Public Safety community can best protect itself by keeping the top of the 700 MHz Narrow Band allocation for Public Safety mobile operation adjacent to the bottom of the allocation for mobile operation in the NPSPAC 800 MHz Band.

3. The DAGS supports the reorganization of the 700 MHz Public Safety band proposed by the Commission in paragraph 257 of the Further Notice that will create a contiguous allocation for narrowband operation provided that:
 - There are no changes to the technical parameters, other than changes in frequency or band layout, regarding the use of or protections provided to the narrowband spectrum allocated for public safety use in the 700 MHz band; and
 - If the 700 MHz band is reconfigured the amount of narrowband spectrum (number of 6.25 kHz channels) allocated for General use and State use remains the same; and
 - Interference to the narrowband channels from any broadband implementation or commercial use of adjacent or nearby spectrum is prevented; and
 - Secondary operation of any broadband services within the narrowband spectrum in the 700 MHz band is prohibited; and
 - If the 700 MHz public safety allocations are reconfigured the reconfiguration rules are placed into effect as rapidly as possible.

We note that the band reorganization plan proposed in paragraph 257 of the Further Notice mirrors that proposed by the DAGS made in our Reply Comments to the Ninth NPRM in March of this year.

4. The DAGS supports the need for broadband in the Public Safety band as described in paragraphs 250 through 253, but again urges the Commission to adopt a flexible band plan for the non-narrowband portions of the 700 MHz band that allows wideband use until the broadband system becomes available. It may be years before a nationwide public safety broadband system is deployed in less populous regions, like the rural areas within the State of Hawaii. Allowing some flexibility in the interim period would be appreciated. A scaleable architecture that would permit deployment of wideband services (50 kHz to 150kHz bandwidths) within the broadband allocations in areas where broadband deployment is absent should be allowed. When broadband is eventually deployed, those wideband systems would be required to vacate that portion of the band. Alternatively, the DAGS suggest that a permanent allocation be made for wideband operation within the internal guard band proposed for the 700 MHz Public Safety band. Such wideband use in the internal guard band with the technical parameters currently in force can be made to protect narrowband operation and to accept degradation from broadband operation.
5. The DAGS also supports raised power limits for broadband as proposed in paragraph 267 if it helps to provide coverage in sparsely populated regions.

6. The DAGS supports the basic recommendation of the Frontline proposal (paragraph 268) but not as it partners with the Broadband Optimization Plan (BOP). The Frontline proposal seems to be an excellent compromise between various proposals for Commercial/Public Safety sharing of broadband resources. We do not support a performance measure based on population as proposed by Frontline.
7. The DAGS supports elimination of the Guard Band B proposed in paragraphs 185 and 186 if the Frontline E Block abuts the Public Safety]Broadband segment at 794 MHz. However, we believe that permitting guard band licensees within the commercial Block E Public Safety broadband block as proposed in paragraph 243 will cause numerous problems. Perhaps the current Guard Band B license holders can be treated as if they leased blocks from the Frontline wholesale provider envisioned in paragraph 290.
8. The DAGS strongly objects to the “flexibility” proposed for the Guard Block A adjacent to Public Safety narrow band spectrum proposed in paragraph 245. This kind of arrangement may very well lead to the same kind of interference we are struggling to overcome with the current rebanding effort in the NPSPAC 800 MHz band.
9. Because the State of Hawaii has many sparsely populated areas the DAGS prefers a performance requirement that stresses geographic coverage versus one that is based on population coverage. Paragraphs 210 – 220 outline some performance issues. We support the “keep what you use” model. Given the large land holdings of the military, federal government, and State of Hawaii Department of Hawaiian Homelands within the State of Hawaii the DAGS does not want government land excluded from any performance measures as suggested in paragraph 213. Regarding the Commission’s solicitation in paragraph 214 of our comments concerning sanctions if performance requirements are not met, the DAGS believes that a reduction in the term of the license is a very substantial result of non-performance and should be instituted. A proportionate “keep what you use” for areas where performance requirements have been met is strongly discouraged. This arrangement will encourage build out of profitable areas and neglect the rest of the region with no real downside for the provider. In response to paragraph 215, the DAGS believes that the rules should apply to all of the licensees for 700 MHz Band Commercial Services equally. The Commission needs the ability to pursue more responsive bidders in sparsely populated areas.
10. The DAGS does not believe that the costs to relocate our existing narrowband operation will be excessive. Therefore we support having public safety entities paying for their own relocation within the narrowband portion of the 700 MHz Public safety band. The Nationwide Broadband Licensee should not be encumbered with this extra relocation expense from the very beginning. If, however, Guard Band B stays in place, the licensees in this band must pay for this rebanding in exchange for the advantages they gain by changes to that guard band.

- 11 The DAGS supports firm control by the Commission over any Network Sharing Agreements worked out in accordance with the Frontline proposal (paragraphs 282,283, and 289). The Commission should get regular reports on the status of any Network Sharing Agreement and must set definite deadlines. If the Commission needs to reclaim a license, the infrastructure already acquired to support the public safety/commercial partnership must stay in place.
12. The DAGS again urges the Commission to revisit the Petition for Reconsideration by the National Public Safety Telecommunications Council (NPSTC) made on March 7, 2001 regarding base/mobile pairing in the 700 MHz commercial allocations. The Commission should prohibit high power operation in the A, B, C, and D blocks between 776 and 794 MHz. The First Report and Order on this topic did establish standard pairing orientation for the commercial spectrum in this band as it does for the public safety spectrum. High-powered transmissions were limited to the lower portion on the commercial allocation (746-764 MHz) and the upper portion was restricted to low power operations. The DAGS agrees with the NPSTC and "... urges the FCC to reconsider its decision to allow high power, commercial base station operations in the 777-792 MHz band and instead revert to the original 700 MHz original band plan adopted in the First Report and Order of this proceeding."

State of Hawaii agencies are continuing to deploy systems in the narrowband channels of the 700 MHz public safety band as authorized by FCC license WPTZ784. The DAGS continues to assert that the overall benefit derived from band reconfiguration outweighs the cost that will be incurred by the State of Hawaii to retune these systems at this time. However, further delay in band reconfiguration will increase this cost until at some point the DAGS may be forced to withdraw its support of 700 MHz public safety band reconfiguration. The Commission's rules relating to narrowband operations must stop changing to enable the deployment of narrowband systems in the 700 MHz band to flourish.

The DAGS owns and operates the Hawaii State Government telecommunications systems and supporting infrastructure. The DAGS Information and Communications Services Division is the licensee of record for nearly all State of Hawaii government radio systems.

Thank you for the opportunity to comment on this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Russ K. Saito", written in a cursive style.

RUSS K. SAITO
Comptroller